

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LOU COLASANTI,

Plaintiff,

v.

**CITY OF PORTLAND and STATE OF
OREGON,**

Defendants.

Case No. 3:19-cv-00443-YY

ORDER

IMMERGUT, District Judge.

On August 19, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”). ECF 65. The F&R recommends that this Court deny Defendant City of Portland’s motion to dismiss. ECF 48. The F&R also recommends that this Court deny Defendant State of Oregon’s motion to dismiss, ECF 46, as to the Americans With Disabilities Act (“ADA”) interference claim, 42 U.S.C. §12203(b), but otherwise grant the motion. No party filed objections. For the following reasons, the Court ADOPTS Judge You’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge You’s conclusions. The F&R, ECF 65, is adopted in full. Defendant City of Portland’s motion to dismiss, ECF 48, is DENIED. Defendant State of Oregon’s motion to dismiss, ECF 46, is DENIED as to the ADA interference claim, 42 U.S.C. § 12203(b), and GRANTED as to the remaining claims.

IT IS SO ORDERED.

DATED this 20th day of September, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge